

**IC 32-17**

**ARTICLE 17. INTERESTS IN PROPERTY**

**IC 32-17-1**

Chapter 1. Fee Simple Interest

**IC 32-17-1-1**

**"Grantor"**

Sec. 1. As used in this chapter, "grantor" means every person by whom an estate or interest in land is:

- (1) created;
- (2) granted;
- (3) bargained;
- (4) sold;
- (5) conveyed;
- (6) transferred; or
- (7) assigned.

*As added by P.L.2-2002, SEC.2.*

**IC 32-17-1-2**

**Fee simple conveyance**

Sec. 2. (a) A conveyance of land that is:

- (1) worded in substance as "A.B. conveys and warrants to C.D." (insert a description of the premises) "for the sum of" (insert the consideration); and

(2) dated and signed, sealed, and acknowledged by the grantor; is a conveyance in fee simple to the grantee and the grantee's heirs and assigns with a covenant as described in subsection (b).

(b) A conveyance in fee simple under subsection (a) includes a covenant from the grantor for the grantor and the grantor's heirs and personal representatives that the grantor:

- (1) is lawfully seized of the premises;
- (2) has good right to convey the premises;
- (3) guarantees the quiet possession of the premises;
- (4) guarantees that the premises are free from all encumbrances; and
- (5) will warrant and defend the title to the premises against all lawful claims.

*As added by P.L.2-2002, SEC.2.*

**IC 32-17-1-3**

**Estates tail; abolition**

Sec. 3. (a) Estates tail are abolished.

(b) An estate that under common law is a fee tail:

- (1) is considered a fee simple; and
- (2) if the estate is not limited by a valid remainder, is considered a fee simple absolute.

*As added by P.L.2-2002, SEC.2.*

**IC 32-17-1-4**

**Lineal and collateral warranties; abolition**

Sec. 4. Lineal and collateral warranties with all their incidents are abolished. However, the heirs and devisees of a person who has made a covenant or agreement is answerable upon that covenant or agreement:

- (1) to the extent of property descended or devised to the heirs and devisees; and
- (2) in the manner prescribed by law.

*As added by P.L.2-2002, SEC.2.*